

Remarks

The Examiner has rejected claims 1-6, 8, and 10 under 35 U.S.C. 103(a) as being unpatentable over WO 00/10910 in view of a number of prior art references. However WO 00/10910 does not possess any of the claimed elements as asserted by the Examiner and therefore should not be used as a starting point for arguing obviousness. Thus, any combination of WO 00/10910 with another reference is improper for a finding of obviousness and is irrelevant to the invention defined in claim 1, for the following reasons.

The disclosure of WO 00/10910 relates to spray bottles having a pump, a nozzle, and a finger flange adjacent the nozzle. "In order to spray the contents of bottle 30 out of nozzle 28, a user places his or her thumb on a bottom 34 of bottle 30 and two fingers on finger grips 32 (Figure 3). Thereafter, the user **exerts a downward force on finger grips 32** (see arrow A in Figure 2) by squeezing together his or her thumb and fingers. **The downward movement in grip 20 activates a pump on spray bottle 30 by moving the finger grips toward the bottom of the bottle**, and thereby emits a spray from a top 36 of nozzle 28 in a precisely measured dose." (see e.g. page 4, lines 21-25). The disclosure of WO 00/10910 fails to disclose the same structure as claimed by Applicant's invention. The Examiner appears to have mistakenly interpreted item 20 of WO 00/10910 as a main body.

However, contrary to the interpretation by the Examiner, the grip (20) is not a main body and the main body (30) is not an actuator. Instead, it is the other way around, i.e. the grip (20) is the actuator — or, more precisely, an extension intended to more easily operate the actual actuator, i.e. the "finger flange adjacent the nozzle", see e.g. independent claims 13 and 23 relating to the bottle - and the spray bottle (30) is the main body.

WO 00/10910 thus lacks "two grips extending from the main body and providing sufficient room beneath the grips for accommodating one or more fingers that are 'not employed during actuation'". Moreover, the downward movement of the grip (20) necessary to activate the pump according to WO 00/10910, implies that no fingers can be present beneath the grips, because such fingers would obstruct and prevent downward movement of the grip.

Further, the grip 20 in WO 00/10910 is an aid, which is to be attached to a spray bottle and which inherently requires dexterity. Patients suffering from rheumatoid arthritis (often) no longer possess sufficient dexterity to grip the type of aid disclosed in WO 00/10910 making such a grip unsuitable for use by any such patients. One skilled in the art trying to solve the problem of designing a spray device for such patients with rheumatoid arthritis would not consider WO 00/10910.

In fact, use of the device disclosed in WO 00/10910 would actually teach away from the invention because it would force users to grip the device with painful joints and the spray bottle of WO 00/10910 leaves no room for accommodating one or more fingers that are not employed during actuation and thus necessitates forced bending and/or torsion of painful joints.

In sum, Applicant contends that WO 00/10910 is not art one of ordinary skill would turn to in order to solve the problem addressed by Applicant's invention and that WO 00/10910 teaches away from the claimed invention when combined with any of the prior art references. Thus, no combination of WO 00/10910 with any of other documents cited - Arnold, Hutson, Vandromme, von Schmuckmann, or Ritsche - could yield a dispenser according to claim 1.

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Response to Official Action

Applicant has also amended claim 10 to address the Examiner's rejection. Based on the foregoing arguments and amendment which distinguish Applicant's invention, Applicant respectfully requests allowance of all the pending claims.

Respectfully submitted,

A handwritten signature in cursive script, followed by the date "4/18/05". The signature is written over a horizontal line.

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